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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: J. MALKIN et al.

Confirmation No: 8265

Application No.: 09/886,979

Group Art Unit: 1639

Filed: January 15, 2002

Examiner: M. J. Angenbrandt

For: SILVER HALIDE MATERIAL FOR
OPTICAL MEMORY DEVICES WITH
LUMINESCENT READING AND
METHODS FOR THE TREATMENT
THEREOF

Attorney Docket No.: 85134-4999

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313 - 1450

Sir:

Petitioner, Allan A. Fanucci, represents that he is the attorney of record for the present application.

Petitioner states that he has reviewed the assignment document recorded on January 13, 2004 at Reel 014852 Frame 0983 and confirms that D DATA INC. is the owner of both the above-identified application and US patent 6,254,140 by virtue of that Assignment.

Petitioner hereby disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of U.S. Patent 6,254,140, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that any patent granted on the present application and U.S. Patent 6,254,140 are commonly owned.

Petitioner further agrees that this agreement is to run with any patent granted on the above-identified application and is to be binding upon the grantees, their successors, and their assigns.

Petitioner does not disclaim any terminal part of any patent that issues on the above-identified application prior to the expiration date of U.S. Patent No. 6,265,140 in the

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event that that patent is held unenforceable, is found invalid, is statutorily disclaimed in whole or in part or is terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full 20 year statutory term, except for lack of common ownership as stated above.

Petitioner hereby declares that all statements made herein of his own knowledge and belief are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patent issuing thereon.

Signed this 9th day of February, 2005.



Allan A. Fanucci

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